

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARVIN SMITH SHAHEEN

Plaintiff,

-v.-

**Civil Action No.
9:03-cv-17 (GLS/DRH)**

**MELVIN L. HOLLINS, Superintendent,
Oneida Correctional Facility; W. HULIHAN,
Acting Superintendent; D. GREGORY, Sr.
Counselor; and L.D. MANGIARACINA,
Corrections Officer**

Defendants.

APPEARANCES:

**MARVIN SMITH SHAHEEN
Plaintiff Pro Se
81-A-3638
Coxsackie Correctional Facility
P.O. Box 999
Coxsackie, New York 12051-0999**

**ELIOT SPITZER, ESQ.
NEW YORK STATE ATTORNEY GENERAL

The Capitol
Albany, New York 12224-0341**

**LISA ULLMAN, ESQ.
JAMIE IRENE ROTH,
ESQ.
Assistant Attorney General**

**GARY L. SHARPE,
U.S. DISTRICT JUDGE**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer duly filed September 7, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

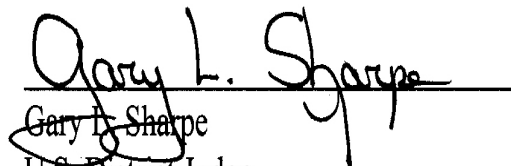
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed September 7, 2005 is ACCEPTED in its entirety for the reasons stated, and it is further

ORDERED, that defendants' motion for summary judgment (Docket No. 27) is GRANTED and the amended complaint is DISMISSED; and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: September 23, 2005
Albany, New York



Gary L. Sharpe
U.S. District Judge